

ESTTA Tracking number: **ESTTA660134**

Filing date: **03/10/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Unirush, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	4701 Creek Road Suite 200 Cincinnati, OH 45242 UNITED STATES		

Attorney information	April L Besl Dinsmore & Shohl LLP 255 E Fifth Street Suite 1900 Cincinnati, OH 45202 UNITED STATES april.besl@dinsmore.com Phone:5139778527
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### Applicant Information

Application No	86397620	Publication date	02/10/2015
Opposition Filing Date	03/10/2015	Opposition Period Ends	03/12/2015
Applicant	First Credit Corporation PO Box 9300 Boulder, CO 80301 UNITED STATES		

### Goods/Services Affected by Opposition


Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Financing and loan services
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3984104	Application Date	06/04/2010
Registration Date	06/28/2011	Foreign Priority Date	NONE
Word Mark	RUSHCARD		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 036. First use: First Use: 2003/01/17 First Use In Commerce: 2003/01/17 Financial services in the nature of prepaid debit card services; Financial advice in the field of budgeting; Financial advice in the field of money management; Credit reporting services in the nature of reporting the transactions and payments of account holders to consumer credit reporting agencies; Bill payment services offered through a website; Electronic funds transfers between prepaid debit card accounts</p> <p>Class 042. First use: First Use: 2009/04/30 First Use In Commerce: 2009/04/30 Providing temporary use of on-line, non-downloadable software development tools for financial budgeting and money management</p>


U.S. Registration No.	2826230	Application Date	07/03/2002
Registration Date	03/23/2004	Foreign Priority Date	NONE
Word Mark	RUSHCARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2003/01/17 First Use In Commerce: 2003/01/17 magnetically encoded debit cards		


U.S. Registration No.	3959733	Application Date	06/04/2010
Registration Date	05/10/2011	Foreign Priority Date	NONE
Word Mark	RUSHCARD		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2002/11/25 First Use In Commerce: 2002/11/25  Magnetically encoded credit cards; automated teller machines; prepaid magnetically encoded telephone calling cards; prepaid cellular telephones used in connection with prepaid airtime cellular telephone communication services; cellular phones and magnetically encoded debit cards sold together as a unit; magnetically encoded transportation fare cards; electronic game programs; interactive video game programs; interactive multimedia computer game programs; virtual reality games software; computer game software, programs, cartridges, joysticks, cassettes, discs and instruction manuals distributed with the foregoing goods; downloadable ring tones, graphics and music via a global computer network and wireless devices</p> <p>Class 036. First use: First Use: 2003/03/19 First Use In Commerce: 2003/03/19  Financial services in the nature of processing and crediting transfers of loan proceeds to debit card and online accounts; electronic funds transfers between online accounts</p>

U.S. Registration No.	3981059	Application Date	10/15/2010
Registration Date	06/21/2011	Foreign Priority Date	NONE
Word Mark	RUSHCARD		
Design Mark			
Description of Mark	The mark consists of the word "RUSHCARD" with a stylized "plus" sign.		
Goods/Services	Class 036. First use: First Use: 2009/11/23 First Use In Commerce: 2009/11/23 Financial services in the nature of debit card services		

U.S. Registration No.	4412295	Application Date	01/03/2013
Registration Date	10/01/2013	Foreign Priority Date	NONE
Word Mark	R RUSHCARD		

Design Mark	
Description of Mark	The mark consists of a stylized letter "r" made up of 11 circles; there are 6 vertical circles of the same size having 1 smaller circle directly above the second vertical circle from the right adjacent to 4 perpendicular circles of the same size as the vertical circles to the left of the words "RUSCHARD".
Goods/Services	Class 036. First use: First Use: 2013/06/25 First Use In Commerce: 2013/06/25 Financial services in the nature of prepaid debit card services; Financial advice in the field of budgeting; Financial advice in the field of money management; Credit reporting services in the nature of reporting the transactions and payments of account holders to consumer credit reporting agencies; Bill payment services offered through a website; Electronic funds transfers between prepaid debit card accounts

U.S. Registration No.	4538977	Application Date	01/03/2013
Registration Date	05/27/2014	Foreign Priority Date	NONE
Word Mark	RRUSHCARD		
Design Mark			
Description of Mark	The mark consists of a stylized letter "r" made up of 11 circles; there are 6 vertical circles of the same size having 1 smaller circle directly above the second vertical circle from the right adjacent to 4 perpendicular circles of the same size as the vertical circles to the left of the words RUSCHARD.		
Goods/Services	Class 009. First use: First Use: 2014/01/09 First Use In Commerce: 2014/01/09 Magnetically encoded debit cards; Prepaid debit cards		

U.S. Registration No.	4511705	Application Date	10/18/2012
Registration Date	04/08/2014	Foreign Priority Date	NONE
Word Mark	RUSHCARD LIVE		

Design Mark	<b>RUSHCARD LIVE</b>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2013/04/08 First Use In Commerce: 2013/04/08 Magnetically encoded debit cards; Prepaid debit cards

U.S. Registration No.	4511704	Application Date	10/18/2012
Registration Date	04/08/2014	Foreign Priority Date	NONE
Word Mark	RUSHCARD LIVE		
Design Mark	<b>RUSHCARD LIVE</b>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2013/04/08 First Use In Commerce: 2013/04/08 Financial services in the nature of prepaid debit card services; Financial advice in the field of budgeting; Financial advice in the field of money management; Credit reporting services in the nature of reporting the transactions and payments of account holders to consumer credit reporting agencies; Bill payment services offered through a website; Electronic funds transfers between prepaid debit card accounts		

U.S. Registration No.	4335801	Application Date	12/13/2011
Registration Date	05/14/2013	Foreign Priority Date	NONE
Word Mark	RUSHGOALS		

Design Mark	<b>RUSHGOALS</b>
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 2011/12/16 First Use In Commerce: 2011/12/16 Financial services in the nature of prepaid debit card services; Financial advice in the field of budgeting, saving and goal setting; Financial advice in the field of money management, saving and goal setting; Credit reporting services in the nature of reporting the transactions and payments of account holders to consumer credit reporting agencies; Electronic funds transfer between and within prepaid debit card accounts and sub-accounts Class 042. First use: First Use: 2011/12/16 First Use In Commerce: 2011/12/16 Providing temporary use of on-line, non-downloadable software development tools for financial budgeting and money management

U.S. Registration No.	4245049	Application Date	03/12/2012
Registration Date	11/20/2012	Foreign Priority Date	NONE
Word Mark	RUSH UNLIMITED		
Design Mark	<b>RUSH UNLIMITED</b>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2012/03/01 First Use In Commerce: 2012/03/01 Financial services in the nature of debit card services		

U.S. Registration No.	4618759	Application Date	11/26/2013
Registration Date	10/07/2014	Foreign Priority Date	NONE
Word Mark	CARBON RUSHCARD		

Design Mark	<b>Carbon RushCard</b>
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 2014/01/08 First Use In Commerce: 2014/01/08 Financial services in the nature of debit card services


U.S. Registration No.	4622490	Application Date	11/26/2013
Registration Date	10/14/2014	Foreign Priority Date	NONE
Word Mark	EDGE RUSHCARD		
Design Mark	<b>Edge RushCard</b>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2014/01/08 First Use In Commerce: 2014/01/08 Financial services in the nature of debit card services		

U.S. Registration No.	4626252	Application Date	11/26/2013
Registration Date	10/21/2014	Foreign Priority Date	NONE
Word Mark	EDGE RUSHCARD		
Design Mark	<b>Edge RushCard</b>		

Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2014/01/08 First Use In Commerce: 2014/01/08 Magnetically encoded debit cards; magnetically encoded prepaid debit cards

U.S. Registration No.	4622493	Application Date	11/26/2013
Registration Date	10/14/2014	Foreign Priority Date	NONE

Word Mark	GLOSS RUSHCARD
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 036. First use: First Use: 2014/01/08 First Use In Commerce: 2014/01/08 Financial services in the nature of debit card services
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U.S. Registration No.	4626255	Application Date	11/26/2013
Registration Date	10/21/2014	Foreign Priority Date	NONE

Word Mark	GLOSS RUSHCARD
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 2014/01/08 First Use In Commerce: 2014/01/08 Magnetically encoded debit cards; magnetically encoded prepaid debit cards
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U.S. Registration No.	4618757	Application Date	11/26/2013
Registration Date	10/07/2014	Foreign Priority Date	NONE

Word Mark	MIDNIGHT RUSHCARD
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Design Mark	<b>Midnight RushCard</b>
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 2014/01/08 First Use In Commerce: 2014/01/08 Financial services in the nature of debit card services

U.S. Registration No.	4626256	Application Date	11/26/2013
Registration Date	10/21/2014	Foreign Priority Date	NONE
Word Mark	MIDNIGHT RUSHCARD		
Design Mark	<b>Midnight RushCard</b>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2014/01/08 First Use In Commerce: 2014/01/08 Magnetically encoded debit cards; magnetically encoded prepaid debit cards		

U.S. Registration No.	4622492	Application Date	11/26/2013
Registration Date	10/14/2014	Foreign Priority Date	NONE
Word Mark	SEQUIN KLS RUSHCARD		
Design Mark	<b>Sequin KLS RushCard</b>		

Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 2014/01/08 First Use In Commerce: 2014/01/08 Financial services in the nature of debit card services

U.S. Registration No.	4626254	Application Date	11/26/2013
Registration Date	10/21/2014	Foreign Priority Date	NONE

Word Mark	SEQUIN KLS RUSHCARD
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 2014/01/08 First Use In Commerce: 2014/01/08 Magnetically encoded debit cards; magnetically encoded prepaid debit cards
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U.S. Registration No.	4622491	Application Date	11/26/2013
Registration Date	10/14/2014	Foreign Priority Date	NONE

Word Mark	SUEDE KLS RUSHCARD
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 036. First use: First Use: 2014/01/08 First Use In Commerce: 2014/01/08 Financial services in the nature of debit card services
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U.S. Registration No.	4626253	Application Date	11/26/2013
Registration Date	10/21/2014	Foreign Priority Date	NONE

Word Mark	SUEDE KLS RUSHCARD
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Design Mark	<b>Suede KLS RushCard</b>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2014/01/08 First Use In Commerce: 2014/01/08 Magnetically encoded debit cards; magnetically encoded prepaid debit cards

U.S. Registration No.	3773617	Application Date	04/05/2006
Registration Date	04/06/2010	Foreign Priority Date	NONE
Word Mark	UNIRUSH		
Design Mark	<b>UNIRUSH</b>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2003/01/17 First Use In Commerce: 2003/01/17 Credit reporting services; debit card services; electronic debit transactions; on-line banking services; electronic funds transfer; electronic cash transactions; cash management; electronic commerce payment services, namely, establishing funded accounts used to purchase goods and services on the Internet		

U.S. Application No.	86129678	Application Date	11/26/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CARBON RUSHCARD		

Design Mark	<b>Carbon RushCard</b>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Magnetically encoded debit cards; magnetically encoded prepaid debit cards

Attachments	85054857#TMSN.png( bytes ) 76976149#TMSN.png( bytes ) 85054658#TMSN.png( bytes ) 85153406#TMSN.png( bytes ) 85814481#TMSN.png( bytes ) 85814482#TMSN.png( bytes ) 85757571#TMSN.png( bytes ) 85757545#TMSN.png( bytes ) 85493706#TMSN.png( bytes ) 85566475#TMSN.png( bytes ) 86129659#TMSN.png( bytes ) 86129402#TMSN.png( bytes ) 86129443#TMSN.png( bytes ) 86129585#TMSN.png( bytes ) 86129611#TMSN.png( bytes ) 86129630#TMSN.png( bytes ) 86129645#TMSN.png( bytes ) 86129508#TMSN.png( bytes ) 86129521#TMSN.png( bytes ) 86129463#TMSN.png( bytes ) 86129487#TMSN.png( bytes ) 78854829#TMSN.png( bytes ) 86129678#TMSN.png( bytes ) Notice of Opposition - RUSHAPP.pdf(120330 bytes ) Exhibit A to RUSHAPP Opp.PDF(496266 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/april l besl/
Name	April L Besl
Date	03/10/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 86/397620  
Published on February 10, 2015

Unirush, LLC	)	
	)	
Opposer,	)	Opposition No. _____
v.	)	
	)	Mark: RUSHAPP
First Credit Corporation	)	
	)	
Applicant.	)	
	)	

**NOTICE OF OPPOSITION**

Opposer, Unirush, LLC (hereinafter “Unirush” or “Opposer”), is a Delaware limited liability company, with an address of 4701 Creek Road, Suite 200, Cincinnati, Ohio 45242.

Opposer believes that it is, or will be, damaged by registration of the mark “**RUSHAPP**” shown in Application Serial No. 86/397620 and hereby opposes same, and opposes registration for the services set forth therein, namely:

RUSHAPP, in International Class 036 covering “*financing and loan services.*” The subject application (the “Application”) was filed on September 17, 2014 under Section 1(b) of the Trademark Act, and published in the Official Gazette of February 10, 2015. Thus, this Notice of Opposition is timely filed.

As grounds for the opposition, it is alleged that:

1. Opposer is the owner of the well-known family of “RUSH” marks, as reflected by Opposer’s U.S. trademark registrations for RUSHCARD and related “RUSH” marks, covering a variety of financial services in Class 036, as well as magnetically encoded debit cards and

prepaid debit cards in Class 009, namely:

- **RUSHCARD**, U.S. Reg. No. 3,984,104 covering “financial services in the nature of prepaid debit card services; financial advice in the field of budgeting; financial advice in the field of money management; credit reporting services in the nature of reporting the transactions and payments of account holders to consumer credit reporting agencies; bill payment services offered through a website; electronic funds transfers between prepaid debit card accounts” in Int’l Class 036; and “providing temporary use of on-line, non-downloadable software development tools for financial budgeting and money management” in Int’l Class 042;
- **RUSHCARD**, U.S. Reg. No. 2,826,230 covering “magnetically encoded debit cards” in Int’l Class 009;
- **RUSHCARD**, U.S. Reg. No. 3,959,733 covering “magnetically encoded credit cards; automated teller machines; prepaid magnetically encoded telephone calling cards; prepaid cellular telephones used in connection with prepaid airtime cellular telephone communication services; cellular phones and magnetically encoded debit cards sold together as a unit; magnetically encoded transportation fare cards; electronic game programs; interactive video game programs; interactive multimedia computer game programs; virtual reality game software; computer game software, programs, cartridges, joysticks, cassettes, discs and instruction manuals distributed with the foregoing goods; downloadable ring tones, graphics and music via a global computer network and wireless devices” in Int’l Class 009; and “financial services in the nature of processing and crediting transfers of loan proceeds to debit card and online accounts; electronic funds transfers between online accounts” in Int’l Class 036; and
- **RUSHCARD & Design**, U.S. Reg. No. 3,981,059 covering “financial services in the nature of debit card services” in Int’l Class 036.
- **R RUSHCARD & Design**, U.S. Reg. No. 4,412,295 covering “financial services in the nature of prepaid debit card services; financial advice in the field of budgeting; financial advice in the field of money management; credit reporting services in the nature of reporting the transactions and payments of account holders to consumer credit reporting agencies; bill payment services offered through a website; electronic funds transfers between prepaid debit card accounts” in Int’l Class 036;
- **R RUSHCARD & Design**, U.S. Reg. No. 4,538,977 covering “magnetically encoded debit cards; prepaid debit cards” in Int’l Class 009;
- **RUSHCARD LIVE**, U.S. Reg. No. 4,511,705 covering “magnetically encoded debit cards; prepaid debit cards” in Int’l Class 009;
- **RUSHCARD LIVE**, U.S. Reg. No. 4,511,704 covering “financial services in the nature of prepaid debit card services; financial advice in the field of budgeting;

financial advice in the field of money management; credit reporting services in the nature of reporting the transactions and payments of account holders to consumer credit reporting agencies; bill payment services offered through a website; electronic funds transfers between prepaid debit card accounts” in Int’l Class 036;

- **RUSHGOALS**, U.S. Reg. No. 4,335,801 covering “financial services in the nature of prepaid debit card services; financial advice in the field of budgeting, saving and goal setting; financial advice in the field of money management, saving and goal setting; credit reporting services in the nature of reporting the transactions and payments of account holders to consumer credit reporting agencies; electronic funds transfer between and within prepaid debit card accounts and sub-accounts” in Int’l Class 036; and “providing temporary use of on-line, non-downloadable software development tools for financial budgeting and money management” in Int’l Class 042;
- **RUSH UNLIMITED**, U.S. Reg. No. 4,245,049 covering “financial services in the nature of debit card services” in Int’l Class 036;
- **CARBON RUSHCARD**, U.S. Reg. No. 4,618,759 covering “financial services in the nature of debit card services” in Int’l Class 036;
- **EDGE RUSHCARD**, U.S. Reg. No. 4,622,490 covering “financial services in the nature of debit card services” in Int’l Class 036;
- **EDGE RUSHCARD**, U.S. Reg. No. 4,626,252 covering “magnetically encoded debit cards; magnetically encoded prepaid debit cards” in Int’l Class 009;
- **GLOSS RUSHCARD**, U.S. Reg. No. 4,622,493 covering “financial services in the nature of debit card services” in Int’l Class 036;
- **GLOSS RUSHCARD**, U.S. Reg. No. 4,626,255 covering “magnetically encoded debit cards; magnetically encoded prepaid debit cards” in Int’l Class 009;
- **MIDNIGHT RUSHCARD**, U.S. Reg. No. 4,618,757 covering “financial services in the nature of debit card services” in Int’l Class 036;
- **MIDNIGHT RUSHCARD**, U.S. Reg. No. 4,626,256 covering “magnetically encoded debit cards; magnetically encoded prepaid debit cards” in Int’l Class 009;
- **SEQUIN KLS RUSHCARD**, U.S. Reg. No. 4,622,492 covering “financial services in the nature of debit card services” in Int’l Class 036;
- **SEQUIN KLS RUSHCARD**, U.S. Reg. No. 4,626,254 covering “magnetically encoded debit cards; magnetically encoded prepaid debit cards” in Int’l Class 009;
- **SUEDE KLS RUSHCARD**, U.S. Reg. No. 4,622,491 covering “financial services in the nature of debit card services” in Int’l Class 036;

- **SUEDE KLS RUSHCARD**, U.S. Reg. No. 4,626,253 covering “magnetically encoded debit cards; magnetically encoded prepaid debit cards” in Int’l Class 009
- **UNIRUSH**, U.S. Reg. No. 3,773,617, covering “credit reporting services; debit card services; electronic debit transactions; on-line banking services; electronic funds transfer; electronic cash transactions; cash management; electronic commerce payment services, namely, establishing funded accounts used to purchase goods and services on the internet” in Int’l Class 036.
- **CARBON RUSHCARD**, U.S. Application No. 86/129678 covering “magnetically encoded debit cards; magnetically encoded prepaid debit cards” in Int’l Class 009.

The above-listed registrations are valid, subsisting, and in good standing. Opposer’s pending application for CARBON RUSHCARD is “live” and pending under Section 1(b) of the Trademark Act. Copies of the Certificates of Registration corresponding to the above-listed registrations, and copies of the TESS record showing the current status of Opposer’s CARBON RUSHCARD mark, are all attached hereto as **Exhibit A**.

2. In addition to the above-listed registrations and pending application, Opposer has engaged in widespread promotional and advertising efforts to further build consumer recognition in its family of RUSHCARD and “RUSH” marks.

3. The above-listed registrations and application, and Opposer’s common law rights associated with its widespread use and promotion of its RUSHCARD and “RUSH” products are all collectively referred to hereinafter as the “RUSH Marks.”

4. Opposer has continuously used the RUSH Marks in United States commerce in connection with financial services and debit cards, on a continuous and exclusive basis since at least as early as January 2003.

5. Opposer has expended substantial amounts of time, money and effort in advertising and promoting its RUSH Marks over many years and in preserving the goodwill associated therewith.



6. Opposer's RUSH Marks have become distinctive of, and associated in the minds of the trade and purchasing public with Opposer as a well-known provider of the goods and services offered under the RUSH Marks. By virtue of Opposer's efforts, Opposer has gained a significant and valuable reputation for the goods and services associated with its RUSH Marks.

7. Upon information and belief, Applicant, First Credit Corporation, is the owner of United States Trademark Application Serial No. 86/397620 for the mark RUSHAPP for "financing and loan service" in Int'l Class 036.

8. Upon information and belief, Applicant is a corporation of the State of Colorado with an address of P.O. Box 9300, Boulder, Colorado 80301.

9. Applicant filed the Application under Section 1(b) of the Trademark Act on September 17, 2014.

10. Priority is not at issue: Opposer's longstanding use and registration of its RUSH Marks, as described above, is well prior to Applicant's filing date.

11. Applicant is not entitled to use or register as a trademark the mark RUSHAPP for which it seeks registration in its Application Serial No. 86/397620, either on September 17, 2014, the date of filing of said Application, or on February 10, 2015, the date of publication thereof in the Official Gazette.

12. Applicant's proposed goods in International Class 036 for *financing and loan services* as recited in the Application are identical to or closely related to the services protected by Opposer's RUSH Marks for *financial services in the nature of prepaid debit card services; financial advice in the field of budgeting; financial advice in the field of money management; credit reporting services in the nature of reporting the transactions and payments of account holders to consumer credit reporting agencies; bill payment services offered through a website; electronic funds transfers between prepaid debit card accounts*. These services are promoted to

the same or a similar class of consumers, and are available through the same or similar channels of trade.

13. Applicant's proposed RUSHAPP mark is nearly identical to, and confusingly similar to Opposer's RUSH Marks in sight, sound, meaning, connotation and commercial impression, and is intended to be used in connection with services that are identical or closely related to related to the services and goods covered by Opposer's RUSH Marks.

14. The mark Applicant seeks to register, namely, RUSHAPP, so resembles Opposer's RUSH Marks as to be likely, when applied to the services of Applicant, to cause confusion or mistake or to deceive persons by creating the erroneous impression that Applicant's services originate with or come from Opposer, or are authorized, licensed, endorsed, sponsored by, or are connected in some way with Opposer, and therefore, the registration thereof by Applicant would be injurious to Opposer.

15. Applicant knew or should have known of Opposer's RUSH Marks when it applied for the RUSHAPP mark.

16. Applicant's application for the mark RUSHAPP, as well as any future adoption or use of the RUSHAPP mark, is without the license or permission of Opposer.

17. Registration of the RUSHAPP mark by Applicant is barred by the provisions of 15 U.S.C. § 1052(d), for the reason that it consists of or comprises a mark which so resembles Opposer's RUSH Marks previously registered and filed in the United States Patent and Trademark Office, previously used by Opposer and not abandoned, as to be likely, when used in connection with the services of Applicant, to cause confusion, mistake, or to deceive. For the above reasons, any use of the mark RUSHAPP by Applicant is likely to cause confusion, cause mistake, or deceive the public, and cause the public to believe that the services offered under the mark RUSHAPP emanate from or are otherwise sponsored or endorsed by Opposer, in violation

of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d). This likelihood of confusion will damage Opposer within the meaning of 15 U.S.C. § 1063.

18. Applicant's use and attempted registration of the RUSHAPP mark is likely to cause confusion or mistake with respect to a false affiliation with Opposer and Opposer's RUSH Marks and therefore should be denied registration pursuant to 15 U.S.C. § 1125(a) and will damage Opposer within the meaning of 15 U.S.C. § 1063.

19. By reason of the foregoing, Opposer will be damaged by registration of the RUSHAPP mark to Applicant.

20. The opposition fee in the amount of \$300.00 is filed herewith.

WHEREFORE, Opposer prays that said Application Serial No. 86/397620 be rejected; that registration of the mark RUSHAPP as a trademark to Applicant be refused and denied; and that this opposition be sustained in Opposer's favor.

Opposer requests such other and further relief as the Board may deem just and proper.

Date: March 10, 2015

Respectfully submitted,

DINSMORE & SHOHL LLP

s/April L. Besl/  
April L. Besl  
Michelle Browning Coughlin  
*Attorneys for Opposer, Unirush, LLC*  
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Cincinnati, OH 45202  
Voice: (513) 977-8527  
Facsimile: (513) 977-8141

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Notice of Opposition has been served upon the following by regular U.S. mail this 10th day of March, 2015:

First Credit Corporation  
P.O. Box 9300  
Boulder, CO 80301

and

Gerald R. Thompson  
Thompson & Thompson, P.C.  
37637 Five Mile Rd. # 397  
Livonia, MI 48154-1543

s/April L. Besl/  
April L. Besl  
Michelle Browning Coughlin  
*Attorneys for Opposer, Unirush, LLC*  
Email: [April.Besl@dinsmore.com](mailto:April.Besl@dinsmore.com)  
[Michelle.Coughlin@dinsmore.com](mailto:Michelle.Coughlin@dinsmore.com)

## EXHIBIT A

# United States of America

United States Patent and Trademark Office

## RUSHCARD

**Reg. No. 3,984,104**

**Registered June 28, 2011**

**Int. Cls.: 36 and 42**

**SERVICE MARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (OHIO LIMITED LIABILITY COMPANY)  
10625 TECHWOODS CIRCLE  
CINCINNATI, OH 45242

FOR: FINANCIAL SERVICES IN THE NATURE OF PREPAID DEBIT CARD SERVICES; FINANCIAL ADVICE IN THE FIELD OF BUDGETING; FINANCIAL ADVICE IN THE FIELD OF MONEY MANAGEMENT; CREDIT REPORTING SERVICES IN THE NATURE OF REPORTING THE TRANSACTIONS AND PAYMENTS OF ACCOUNT HOLDERS TO CONSUMER CREDIT REPORTING AGENCIES; BILL PAYMENT SERVICES OFFERED THROUGH A WEBSITE; ELECTRONIC FUNDS TRANSFERS BETWEEN PREPAID DEBIT CARD ACCOUNTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-17-2003; IN COMMERCE 1-17-2003.

FOR: PROVIDING TEMPORARY USE OF ON-LINE, NON-DOWNLOADABLE SOFTWARE DEVELOPMENT TOOLS FOR FINANCIAL BUDGETING AND MONEY MANAGEMENT, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 4-30-2009; IN COMMERCE 4-30-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-054,857, FILED 6-4-2010.

CIMMERIAN COLEMAN, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,826,230

**United States Patent and Trademark Office**

Registered Mar. 23, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**RUSHCARD**

DJR HOLDINGS, LLC (NEW YORK LTD LIAB  
CO)  
512 SEVENTH AVENUE, 43TH FLOOR  
NEW YORK, NY 10018

FIRST USE 1-17-2003; IN COMMERCE 1-17-2003.

SN 76-976,149, FILED 7-3-2002.

FOR: MAGNETICALLY ENCODED DEBIT  
CARDS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

ROBERT C. CLARK JR., EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

## RUSHCARD

**Reg. No. 3,959,733**

**Registered May 10, 2011**

**Int. Cls.: 9 and 36**

**TRADEMARK**

**SERVICE MARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (OHIO LIMITED LIABILITY COMPANY)  
10625 TECHWOODS CIRCLE  
CINCINNATI, OH 45242

FOR: MAGNETICALLY ENCODED CREDIT CARDS; AUTOMATED TELLER MACHINES; PREPAID MAGNETICALLY ENCODED TELEPHONE CALLING CARDS; PREPAID CELLULAR TELEPHONES USED IN CONNECTION WITH PREPAID AIRTIME CELLULAR TELEPHONE COMMUNICATION SERVICES; CELLULAR PHONES AND MAGNETICALLY ENCODED DEBIT CARDS SOLD TOGETHER AS A UNIT; MAGNETICALLY ENCODED TRANSPORTATION FARE CARDS; ELECTRONIC GAME PROGRAMS; INTERACTIVE VIDEO GAME PROGRAMS; INTERACTIVE MULTIMEDIA COMPUTER GAME PROGRAMS; VIRTUAL REALITY GAME SOFTWARE; COMPUTER GAME SOFTWARE, PROGRAMS, CARTRIDGES, JOYSTICKS, CASSETTES, DISCS AND INSTRUCTION MANUALS DISTRIBUTED WITH THE FOREGOING GOODS; DOWNLOADABLE RING TONES, GRAPHICS AND MUSIC VIA A GLOBAL COMPUTER NETWORK AND WIRELESS DEVICES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-25-2002; IN COMMERCE 11-25-2002.

FOR: FINANCIAL SERVICES IN THE NATURE OF PROCESSING AND CREDITING TRANSFERS OF LOAN PROCEEDS TO DEBIT CARD AND ONLINE ACCOUNTS; ELECTRONIC FUNDS TRANSFERS BETWEEN ONLINE ACCOUNTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-19-2003; IN COMMERCE 3-19-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-054,658, FILED 6-4-2010.

CIMMERIAN COLEMAN, EXAMINING ATTORNEY



*David S. Kyffos*

Director of the United States Patent and Trademark Office



# United States of America

United States Patent and Trademark Office

## RUSHCARD

**Reg. No. 3,981,059**

**Registered June 21, 2011**

**Int. Cl.: 36**

**SERVICE MARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
10625 TECHWOODS CIRCLE  
CINCINNATI, OH 45242

FOR: FINANCIAL SERVICES IN THE NATURE OF DEBIT CARD SERVICES, IN CLASS 36  
(U.S. CLS. 100, 101 AND 102).

FIRST USE 11-23-2009; IN COMMERCE 11-23-2009.

OWNER OF U.S. REG. NO. 2,826,230.

THE MARK CONSISTS OF THE WORD "RUSHCARD" WITH A STYLIZED "PLUS" SIGN.

SER. NO. 85-153,406, FILED 10-15-2010.

JOHN E. MICHOS, EXAMINING ATTORNEY



*David J. Kyffas*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

 RUSHCARD

**Reg. No. 4,412,295**  
**Registered Oct. 1, 2013**  
**Int. Cl.: 36**

**SERVICE MARK**  
**PRINCIPAL REGISTER**

UNIRUSH, LLC (OHIO LIMITED LIABILITY COMPANY)  
SUITE 200  
4701 CREEK ROAD  
CINCINNATI, OH 45242

FOR: FINANCIAL SERVICES IN THE NATURE OF PREPAID DEBIT CARD SERVICES; FINANCIAL ADVICE IN THE FIELD OF BUDGETING; FINANCIAL ADVICE IN THE FIELD OF MONEY MANAGEMENT; CREDIT REPORTING SERVICES IN THE NATURE OF REPORTING THE TRANSACTIONS AND PAYMENTS OF ACCOUNT HOLDERS TO CONSUMER CREDIT REPORTING AGENCIES; BILL PAYMENT SERVICES OFFERED THROUGH A WEBSITE; ELECTRONIC FUNDS TRANSFERS BETWEEN PREPAID DEBIT CARD ACCOUNTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-25-2013; IN COMMERCE 6-25-2013.

THE MARK CONSISTS OF A STYLIZED LETTER "R" MADE UP OF 11 CIRCLES; THERE ARE 6 VERTICAL CIRCLES OF THE SAME SIZE HAVING 1 SMALLER CIRCLE DIRECTLY ABOVE THE SECOND VERTICAL CIRCLE FROM THE RIGHT ADJACENT TO 4 PERPENDICULAR CIRCLES OF THE SAME SIZE AS THE VERTICAL CIRCLES TO THE LEFT OF THE WORDS "RUSHCARD".

SN 85-814,481, FILED 1-3-2013.

BRIAN NEVILLE, EXAMINING ATTORNEY



  
Deputy Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

 RUSHCARD

**Reg. No. 4,538,977**

**Registered May 27, 2014**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
SUITE 200  
4701 CREEK ROAD  
CINCINNATI, OH 45242

FOR: MAGNETICALLY ENCODED DEBIT CARDS; PREPAID DEBIT CARDS, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-9-2014; IN COMMERCE 1-9-2014.

THE MARK CONSISTS OF A STYLIZED LETTER "R" MADE UP OF 11 CIRCLES; THERE ARE 6 VERTICAL CIRCLES OF THE SAME SIZE HAVING 1 SMALLER CIRCLE DIRECTLY ABOVE THE SECOND VERTICAL CIRCLE FROM THE RIGHT ADJACENT TO 4 PERPENDICULAR CIRCLES OF THE SAME SIZE AS THE VERTICAL CIRCLES TO THE LEFT OF THE WORDS RUSHCARD.

SN 85-814,482, FILED 1-3-2013.

BRIAN NEVILLE, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## RUSHCARD LIVE

**Reg. No. 4,511,705**

**Registered Apr. 8, 2014**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
SUITE 200  
4701 CREEK ROAD  
CINCINNATI, OH 45242

FOR: MAGNETICALLY ENCODED DEBIT CARDS; PREPAID DEBIT CARDS, IN CLASS 9  
(U.S. C.I.S. 21, 23, 26, 36 AND 38).

FIRST USE 4-8-2013; IN COMMERCE 4-8-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-757,571, FILED 10-18-2012.

BRIAN NEVILLE, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## RUSHCARD LIVE

**Reg. No. 4,511,704**

**Registered Apr. 8, 2014**

**Int. Cl.: 36**

**SERVICE MARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
SUITE 200  
4701 CREEK ROAD  
CINCINNATI, OH 45242

FOR: FINANCIAL SERVICES IN THE NATURE OF PREPAID DEBIT CARD SERVICES; FINANCIAL ADVICE IN THE FIELD OF BUDGETING; FINANCIAL ADVICE IN THE FIELD OF MONEY MANAGEMENT; CREDIT REPORTING SERVICES IN THE NATURE OF REPORTING THE TRANSACTIONS AND PAYMENTS OF ACCOUNT HOLDERS TO CONSUMER CREDIT REPORTING AGENCIES; BILL PAYMENT SERVICES OFFERED THROUGH A WEBSITE; ELECTRONIC FUNDS TRANSFERS BETWEEN PREPAID DEBIT CARD ACCOUNTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-8-2013; IN COMMERCE 4-8-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-757,545, FILED 10-18-2012.

BRIAN NEVILLE, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## RUSHGOALS

**Reg. No. 4,335,801**

**Registered May 14, 2013**

**Int. Cls.: 36 and 42**

**SERVICE MARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
SUITE 200  
4701 CREEK ROAD  
CINCINNATI, OH 45242

FOR: FINANCIAL SERVICES IN THE NATURE OF PREPAID DEBIT CARD SERVICES; FINANCIAL ADVICE IN THE FIELD OF BUDGETING, SAVING AND GOAL SETTING; FINANCIAL ADVICE IN THE FIELD OF MONEY MANAGEMENT, SAVING AND GOAL SETTING; CREDIT REPORTING SERVICES IN THE NATURE OF REPORTING THE TRANSACTIONS AND PAYMENTS OF ACCOUNT HOLDERS TO CONSUMER CREDIT REPORTING AGENCIES; ELECTRONIC FUNDS TRANSFER BETWEEN AND WITHIN PREPAID DEBIT CARD ACCOUNTS AND SUB-ACCOUNTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-16-2011; IN COMMERCE 12-16-2011.

FOR: PROVIDING TEMPORARY USE OF ON-LINE, NON-DOWNLOADABLE SOFTWARE DEVELOPMENT TOOLS FOR FINANCIAL BUDGETING AND MONEY MANAGEMENT, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 12-16-2011; IN COMMERCE 12-16-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,959,733 AND 3,984,104.

SN 85-493,706, FILED 12-13-2011.

MICHAEL ENGEL, EXAMINING ATTORNEY



*Lisa Stuart Lee*  
Acting Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## RUSH UNLIMITED

**Reg. No. 4,245,049**

**Registered Nov. 20, 2012**

**Int. Cl.: 36**

**SERVICE MARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
SUITE 200  
4701 CREEK ROAD  
CINCINNATI, OH 45242

FOR: FINANCIAL SERVICES IN THE NATURE OF DEBIT CARD SERVICES, IN CLASS 36  
(U.S. C.I.S. 100, 101 AND 102).

FIRST USE 3-1-2012; IN COMMERCE 3-1-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,959,733, 3,984,104 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "UNLIMITED", APART FROM THE MARK AS SHOWN.

SER. NO. 85-566,475, FILED 3-12-2012.

DAVID ELTON, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## Carbon RushCard

**Reg. No. 4,618,759**

**Registered Oct. 7, 2014**

**Int. Cl.: 36**

**SERVICE MARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
SUITE 200  
4701 CREEK ROAD  
CINCINNATI, OH 45242

FOR: FINANCIAL SERVICES IN THE NATURE OF DEBIT CARD SERVICES, IN CLASS 36  
(U.S. CLS. 100, 101 AND 102).

FIRST USE 1-8-2014; IN COMMERCE 1-8-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,826,230, 4,412,295, AND OTHERS.

SN 86-129,659, FILED 11-26-2013.

ANTHONY RINKER, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office



# United States of America

United States Patent and Trademark Office

## Edge RushCard

**Reg. No. 4,622,490**

**Registered Oct. 14, 2014**

**Int. Cl.: 36**

**SERVICE MARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
SUITE 200  
4701 CREEK ROAD  
CINCINNATI, OH 45242

FOR: FINANCIAL SERVICES IN THE NATURE OF DEBIT CARD SERVICES, IN CLASS 36  
(U.S. CLS. 100, 101 AND 102).

FIRST USE 1-8-2014; IN COMMERCE 1-8-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,826,230, 4,412,295, AND OTHERS.

SN 86-129,402, FILED 11-26-2013.

KEVON CHISOLM, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## Edge RushCard

**Reg. No. 4,626,252**

**Registered Oct. 21, 2014**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
SUITE 200  
4701 CREEK ROAD  
CINCINNATI, OH 45242

FOR: MAGNETICALLY ENCODED DEBIT CARDS; MAGNETICALLY ENCODED PREPAID DEBIT CARDS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-8-2014; IN COMMERCE 1-8-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,826,230, 4,412,295, AND OTHERS.

SN 86-129,443, FILED 11-26-2013.

KEYON CHISOLM, EXAMINING ATTORNEY



*Nichelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## Gloss RushCard

**Reg. No. 4,622,493**

**Registered Oct. 14, 2014**

**Int. Cl.: 36**

**SERVICE MARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
SUITE 200  
4701 CREEK ROAD  
CINCINNATI, OH 45242

FOR: FINANCIAL SERVICES IN THE NATURE OF DEBIT CARD SERVICES, IN CLASS 36  
(U.S. CLS. 100, 101 AND 102).

FIRST USE 1-8-2014; IN COMMERCE 1-8-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,826,230, 4,412,295, AND OTHERS.

SN 86-129,585, FILED 11-26-2013.

KEVON CHISOLM, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## Gloss RushCard

**Reg. No. 4,626,255**

**Registered Oct. 21, 2014**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
SUITE 200  
4701 CREEK ROAD  
CINCINNATI, OH 45242

FOR: MAGNETICALLY ENCODED DEBIT CARDS; MAGNETICALLY ENCODED PREPAID DEBIT CARDS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-8-2014; IN COMMERCE 1-8-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,826,230, 4,412,295, AND OTHERS.

SN 86-129,611, FILED 11-26-2013.

ANTHONY RINKER, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## Midnight RushCard

**Reg. No. 4,618,757**

**Registered Oct. 7, 2014**

**Int. Cl.: 36**

**SERVICE MARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
SUITE 200  
4701 CREEK ROAD  
CINCINNATI, OH 45242

FOR: FINANCIAL SERVICES IN THE NATURE OF DEBIT CARD SERVICES, IN CLASS 36  
(U.S. CLS. 100, 101 AND 102).

FIRST USE 1-8-2014; IN COMMERCE 1-8-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,826,230, 4,412,295, AND OTHERS.

SN 86-129,630, FILED 11-26-2013.

ANTHONY RINKER, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## Midnight RushCard

**Reg. No. 4,626,256**

**Registered Oct. 21, 2014**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
SUITE 200  
4701 CREEK ROAD  
CINCINNATI, OH 45242

FOR: MAGNETICALLY ENCODED DEBIT CARDS; MAGNETICALLY ENCODED PREPAID DEBIT CARDS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-8-2014; IN COMMERCE 1-8-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,826,230, 4,412,295, AND OTHERS.

SN 86-129,645, FILED 11-26-2013.

ANTHONY RINKER, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## Sequin KLS RushCard

**Reg. No. 4,622,492**

**Registered Oct. 14, 2014**

**Int. Cl.: 36**

**SERVICE MARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
SUITE 200  
4701 CREEK ROAD  
CINCINNATI, OH 45242

FOR: FINANCIAL SERVICES IN THE NATURE OF DEBIT CARD SERVICES, IN CLASS 36  
(U.S. C.I.S. 100, 101 AND 102).

FIRST USE 1-8-2014; IN COMMERCE 1-8-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,826,230, 4,412,295, AND OTHERS.

SN 86-129,508, FILED 11-26-2013.

KEVON CHISOLM, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## Sequin KLS RushCard

**Reg. No. 4,626,254**

**Registered Oct. 21, 2014**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
SUITE 200  
4701 CREEK ROAD  
CINCINNATI, OH 45242

FOR: MAGNETICALLY ENCODED DEBIT CARDS; MAGNETICALLY ENCODED PREPAID DEBIT CARDS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-8-2014; IN COMMERCE 1-8-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,826,230, 4,412,295, AND OTHERS.

SN 86-129,521, FILED 11-26-2013.

KEVON CHISOLM, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office



# United States of America

United States Patent and Trademark Office

## Suede KLS RushCard

**Reg. No. 4,622,491**

**Registered Oct. 14, 2014**

**Int. Cl.: 36**

**SERVICE MARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
SUITE 200  
4701 CREEK ROAD  
CINCINNATI, OH 45242

FOR: FINANCIAL SERVICES IN THE NATURE OF DEBIT CARD SERVICES, IN CLASS 36  
(U.S. CLS. 100, 101 AND 102).

FIRST USE 1-8-2014; IN COMMERCE 1-8-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,826,230, 4,412,295, AND OTHERS.

SN 86-129,463, FILED 11-26-2013.

KEVON CHISOLM, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## Suede KLS RushCard

**Reg. No. 4,626,253**

**Registered Oct. 21, 2014**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

UNIRUSH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
SUITE 200  
4701 CREEK ROAD  
CINCINNATI, OH 45242

FOR: MAGNETICALLY ENCODED DEBIT CARDS; MAGNETICALLY ENCODED PREPAID DEBIT CARDS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-8-2014; IN COMMERCE 1-8-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,826,230, 4,412,295, AND OTHERS.

SN 86-129,487, FILED 11-26-2013.

KEVON CHISOLM, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## UNIRUSH

**Reg. No. 3,773,617** DJR HOLDINGS, L.L.C. (NEW YORK LIMITED LIABILITY COMPANY)  
Registered Apr. 6, 2010 43RD FLOOR

512 SEVENTH AVENUE  
NEW YORK, NY 10018

**Int. Cl.: 36**

**SERVICE MARK  
PRINCIPAL REGISTER**

FOR: CREDIT REPORTING SERVICES; DEBIT CARD SERVICES; ELECTRONIC DEBIT  
TRANSACTIONS; ON-LINE BANKING SERVICES; ELECTRONIC FUNDS TRANSFER;  
ELECTRONIC CASH TRANSACTIONS; CASH MANAGEMENT; ELECTRONIC COMMERCE  
PAYMENT SERVICES, NAMELY, ESTABLISHING FUNDED ACCOUNTS USED TO PUR-  
CHASE GOODS AND SERVICES ON THE INTERNET, IN CLASS 36 (U.S. CLS. 100, 101  
AND 102).

FIRST USE 1-17-2003; IN COMMERCE 1-17-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-854,829, FILED 4-5-2006.

MICHAEL WEBSTER, EXAMINING ATTORNEY



*David J. Kyppas*

Director of the United States Patent and Trademark Office

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Mark: CARBON RUSHCARD

Carbon RushCard

US Serial Number: 86129678

Application Filing Date: Nov. 26, 2013

Register: Principal

Mark Type: Trademark

Status: Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.

Status Date: Jan. 27, 2015

Publication Date: Dec. 02, 2014

Notice of Allowance Date: Jan. 27, 2015

## Mark Information

Mark Literal Elements: CARBON RUSHCARD

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US Registrations: 2826230, 3981059, 4412295 and others

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*... identify additional (new) wording in the goods/services.

For: Magnetically encoded debit cards; magnetically encoded prepaid debit cards

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: Unirush, LLC

Owner Address: Suite 200  
4701 Creek Road  
Cincinnati, OHIO 45242  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

Attorney of Record

Attorney Name: April L. Best

Docket Number: 54081-4

Attorney Primary Email Address: [april.best@dinsmore.com](mailto:april.best@dinsmore.com)

Attorney Email Authorized: Yes

**Correspondent**

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**Prosecution History**

<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Jan. 27, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 02, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 02, 2014	PUBLISHED FOR OPPOSITION	
Nov. 12, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 25, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Oct. 25, 2014	ASSIGNED TO LIE	70468
Oct. 06, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 13, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 12, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 12, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 12, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 12, 2014	NON-FINAL ACTION E-MAILED	6325
Mar. 12, 2014	NON-FINAL ACTION WRITTEN	76502
Mar. 11, 2014	ASSIGNED TO EXAMINER	76502
Dec. 12, 2013	NOTICE OF PSEUDO MARK E-MAILED	
Dec. 11, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 29, 2013	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information****TM Staff Information**

**TM Attorney:** CHISOLM, KEVON

**Law Office Assigned:** LAW OFFICE 103

**File Location**

**Current Location:** INTENT TO USE SECTION

**Date in Location:** Jan. 27, 2015